

**UNITED STATES DISTRICT COURT:  
SOUTHERN DISTRICT OF NEW YORK**

ESPIRE ADS LLC, THE BLU MARKET, INC.,  
*ex rel.* LISA NAVARRO, THE BLU MARKET  
LLC, *ex rel.* LISA NAVARRO, and LISA  
NAVARRO individually,

*Plaintiffs,*

v.

TAPP INFLUENCERS CORP., TAPP  
MARKET INFLUENCERS LLC, THE BLU  
MARKET, INC., THE BLU MARKET LLC,  
STEVEN FORKOSH, BRENNAN KASTNER,  
and JUSTIN EMERT,

*Defendants.*

Civil Action No.: 21-cv-10623 (JKG)  
Hon. John G. Koeltl  
ECF Case

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**DECLARATION OF ZACHARY G. MEYER, ESQ.**

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Respectfully submitted,  
**SUTTON SACHS MEYER PLLC**  
*Attorneys for Plaintiffs*

/s/ Zachary G. Meyer, Esq.  
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New York, NY 10122  
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ZACHARY G. MEYER, ESQ., an attorney duly licensed to practice law before the United States District Court for the Southern District of New York, hereby declares the following under the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am counsel to plaintiffs ESPIRE ADS LLC, THE BLU MARKET, INC., *ex rel.* LISA NAVARRO, THE BLU MARKET LLC, *ex rel.* LISA NAVARRO, and LISA NAVARRO individually (jointly, “Plaintiffs”) in the above-captioned matter against to defendants TAPP INFLUENCERS CORP., TAPP MARKET INFLUENCERS LLC, THE BLU MARKET, INC., THE BLU MARKET LLC, STEVEN FORKOSH, BRENNAN KASTNER, and JUSTIN EMERT (jointly, “Defendants”), and as such, I am fully familiar with the facts and circumstances upon my review of the file, conversations with clients, and personal experiences therewith.

2. I respectfully submit this declaration in opposition to Defendant’s motion for an Order, pursuant to Rule 12(b), dismissing Plaintiffs’ complaint, and in support of Plaintiffs’ cross-motion, for an Order, pursuant to this Court’s inherent sanctioning authority for “fraud on the Court” *via* falsification of so much of Defendants’ “Exhibit 14” under ECF Dkt. No. 44-14, upon all the grounds set forth in Plaintiffs’ memorandum of law.

3. Annexed hereto as “**Exhibit 1**” is a true copy of Plaintiffs’ first amended pleading against Defendants.

4. Annexed hereto as “**Exhibit 2**” is a true copy of the State of New York’s grant of authority for plaintiff ESPIRE ADS LLC to conduct business within the State of New York.

5. Annexed hereto as “**Exhibit 3**” is a true copy of the Development Agreement dated May 18<sup>th</sup>, 2020 by and between plaintiff ESPIRE ADS LLC and defendant BRENNAN KASTNER.

6. Annexed hereto as “**Exhibit 4**” is a true copy of the Apple app store’s transfer of ownership of certain mobile gaming applications, and bank statements evidencing payments

thereon to defendant STEVEN FORKOSH in sum total seventy-seven thousand two hundred USD (\$77,200.00).

7. Annexed hereto as “**Exhibit 5**” is a true copy of the JV Agreement assented to by defendant STEVEN FORKOSH on August 29<sup>th</sup>, 2020 at 5:16 AM PST, complete with DocuSign certificates establishing same.

8. Annexed hereto as “**Exhibit 6**” is a true copy of Plaintiff’s August 29<sup>th</sup>, 2020 at 1:54 AM PST DocuSign circulation e-mail requesting defendant STEVEN FORKOSH’s execution of the JV Agreement.

9. Annexed hereto as “**Exhibit 7**” is a true copy of the DocuSign execution confirmation e-mail on August 29<sup>th</sup>, 2020 at 5:16 AM PST.

10. Annexed hereto as “**Exhibit 8**” is a true copy of an August 28<sup>th</sup>, 2020 text message from defendant STEVEN FORKOSH requesting Plaintiffs’ execution of a prior draft of the JV Agreement, as well as June 25<sup>th</sup>, 2020 text message from defendant STEVEN FORKOSH expressing excitement at the opportunity to join plaintiff ESPIRE ADS LLC.

11. Annexed hereto as “**Exhibit 9**” is a true copy of defendant STEVEN FORKOSH’s proposed draft rescission agreement.

12. Annexed hereto as “**Exhibit 10**” is a true copy of non-party RICHARD L. HERZFELD’s October 31<sup>st</sup>, 2020 e-mail confirming that the JV Agreement was executed by defendant STEVEN FORKOSH. *See Ex. 10* (“Steven said they signed [the JV Agreement. Please check”]).

13. Annexed hereto as “**Exhibit 11**” is a true copy of a selection of plaintiff EPSIRE ADS LLC’s team meeting invites wherein defendant STEVEN FORKOSH was a participant after execution of the JV Agreement. *See Ex. 11* (e-mails to <steven@espireads.com>).

14. Annexed hereto as “**Exhibit 12**” is a true copy of the New York State Department of State corporation database entry for defendant TAPP INFLUENCERS CORP. and defendant TAPP MARKET INFLUENCERS LLC.

15. Annexed hereto as “**Exhibit 13**” is a true copy of a July 23<sup>rd</sup>, 2021 agreement reacquiring defendant JUSTIN EMERT’s shares in plaintiff ESPIRE ADS LLC.

16. Annexed hereto as “**Exhibit 14**” is a true copy of a United States Internal Revenue Service letter designating non-party KVRMA FOUNDATION as a 501(c)(3) tax-exempt entity.

17. Annexed hereto as “**Exhibit 15**” are true copies of plaintiff ESPIRE ADS LLC the Register of Copyrights’ valid Certificates of Registration effective as of November 17<sup>th</sup>, 2021 bearing Copyright Registration Nos. TX0009037536 & TX0009037539.

18. Annexed hereto as “**Exhibit 16**” is a true copy of the affidavit of non-party expert NATHAN ZAUGG dated May 27<sup>th</sup>, 2022.

I hereby declare under the penalties of perjury that the foregoing is true and correct. Executed on this 27<sup>th</sup> day of May, 2022 in the County, City, and State of New York.

/s/ Zachary G. Meyer, Esq.